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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Khalaf Hammo,

10 Plaintiff,

11 v.

12 Federal Bureau of Investigations,

13 Defendant.
14

No. CV-18-02691-PHX-JAT

ORDER

15 Pending before the Court is Plaintiff's application to proceed in forma pauperis.

16 In 28 U.S.C. § 1915(e)(2),

17 Congress provided with respect to in forma pauperis cases that a
18 district court "shall dismiss the case at any time if the court determines"
19 that the "allegation of poverty is untrue" or that the "action or appeal" is
20 "frivolous or malicious," "fails to state a claim on which relief may be
21 granted," or "seeks monetary relief against a defendant who is immune
22 from such relief." 28 U.S.C. § 1915(e)(2). While much of section 1915
23 outlines how prisoners can file proceedings in forma pauperis, section
24 1915(e) applies to all in forma pauperis proceedings, not just those filed by
25 prisoners. *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000) ("section
26 1915(e) applies to all in forma pauperis complaints"). "It is also clear that
27 section 1915(e) not only permits but requires a district court to dismiss an
28 in forma pauperis complaint that fails to state a claim." *Id.* Therefore, this
court must dismiss an in forma pauperis complaint if it fails to state a claim
or if it is frivolous or malicious.

...

A claim must be stated clearly enough to enable a defendant to
frame a responsive pleading. A complaint must contain "a short and plain
statement of the claim showing that the pleader is entitled to relief." Fed.
R. Civ. P. 8(a). "Each averment of a pleading shall be simple, concise, and
direct." Fed. R. Civ. P. 8(e)(1). A complaint having the factual elements of
a cause of action present but scattered throughout the complaint and not
organized into a "short and plain statement of the claim" may be dismissed
for failure to satisfy Rule 8(a). *Sparling v. Hoffman Constr. Co.*, 864 F.2d
635, 640 (9th Cir. 1988).

1 *Kennedy v. Andrews*, 2005 WL 3358205, *2-*3 (D. Ariz. 2005).

2 Here, it appears that both the allegation of poverty is untrue and the complaint
3 fails to state a claim on which relief can be granted. First, Plaintiff states that he and his
4 spouse, in a community property state, make a combined \$2,700.00 per month and have
5 \$1,691.00 in expenses. (Doc. 2). This would leave sufficient funds after expenses to pay
6 the filing fee. Accordingly, the request to proceed in forma pauperis will be denied.

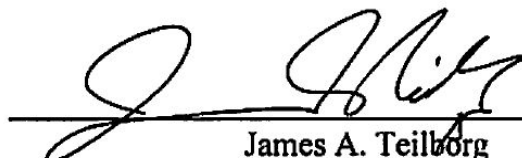
7 Second, the total allegations in the complaint are, “right violated” (Doc. 1 at 3),
8 “damaged my reputation and hurt me [psychologically]” (Doc. 1 at 3) and “asking for
9 justice and compensation for what they caused to my future and to myself.” (Doc. 1 at
10 4). These allegations are inadequate to meet Federal Rule of Civil Procedure 8’s
11 pleading standard. Thus, the complaint fails to state a claim. However, because the
12 Court will deny the request to proceed in forma pauperis, the Court will not dismiss the
13 complaint on this alternative basis.

14 Based on the foregoing,

15 **IT IS ORDERED** that the application for leave to proceed in forma pauperis
16 (Doc. 2) is denied. Plaintiff has 14 days to pay the filing fee or the Clerk of the Court
17 shall dismiss this case, without prejudice, and enter judgment accordingly.

18 Dated this 28th day of August, 2018.

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James A. Teilborg
Senior United States District Judge